

FOR THE RELIEF OF MAI HOA “JASMIN” SALEHI

SEPTEMBER 9, 1998.—Committed to the Committee of the Whole House and ordered
to be printed

Mr. SMITH of Texas, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 1794]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill
(H.R. 1794) for the relief of Mai Hoa “Jasmin” Salehi, having con-
sidered the same, reports favorably thereon without amendment
and recommends that the bill do pass.

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PURPOSE AND SUMMARY

This bill would make the claimant eligible for adjustment of her
status to that of a permanent resident.

BACKGROUND AND NEED FOR THE LEGISLATION

Cyrus Salehi and Mai Hoa Salehi were married in March 1995. In June 1995, they went to the I.N.S. and filed an application for Mrs. Salehi as an alien spouse and because of a backlog on applications were scheduled for their interview in August 1996. This 14-month delay was normal in Los Angeles at that time. The husband was shot and killed at the Denny's Restaurant he was part owner of in February 1996—11 months after the marriage. In August, when the widow arrived at the scheduled interview, she was told that because they had not been married for two years prior to her husband's death she would be receiving notice within 45 days to leave the United States or face deportation. Because of a request made by the prosecuting office, she was granted advance parole to participate in the trial of her husband's murderers.

By all accounts this was a legitimate marriage, and it is through no fault of her own that Mrs. Salehi has not met the marriage requirements of the I.N.A.

I.N.A. regulations concerning the untimely death of a sponsoring spouse allow for a waiver of the two year marriage requirement only if the individual's petition for conditional permanent residence has been approved prior to the death. If there had not been a 14-month backlog on petition approvals in Los Angeles, Mrs. Salehi would have been eligible for that waiver. Although the occurrence of death prior to two years of marriage is rare, the waiver is routinely given for humanitarian reasons in a case of this type if the petition for conditional permanent residence has been approved.

HEARINGS

The Committee's Subcommittee on Immigration and Claims held no hearings on H.R. 1794.

COMMITTEE CONSIDERATION

On July 23, 1998, the Subcommittee on Immigration and Claims met in open session and ordered favorably reported the bill H.R. 1794 without amendment by voice vote, a quorum being present.

On August 4, 1998, the Committee on the Judiciary met in open session and ordered reported favorably the bill H.R. 1794 without amendment by voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(1)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R.1794, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 6, 1998.

Hon. HENRY J. HYDE,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1794, a bill for the relief of Mai Hoa "Jasmin" Salehi.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

cc: Hon. John Conyers, Jr.,
Ranking Minority Member.

H.R. 1794—A bill for the relief of Mai Hoa "Jasmin" Salehi

H.R. 1794 would make Mai Hoa Salehi eligible for permanent U.S. residence. CBO estimates that enacting this legislation would have no significant impact on the federal budget. H.R. 1794 could have a very small effect on fees collected by the Immigration and Naturalization Service, which are classified as direct spending, so pay-as-you-go procedures would apply.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226-2860. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Rule XI, clause 2(1)(4) of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article 1, Section 1, Clause 8 of the Constitution.

AGENCY VIEWS

The comments of the Immigration and Naturalization Service on S. 508, the Senate companion bill to H.R. 1794, are as follows:

U.S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
Washington, DC, September 9, 1997.

Hon. ORRIN HATCH,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, DC.*

DEAR MR. CHAIRMAN: In response to your request for a report to S. 508 for the relief of Mai Hoa Salehi, also known as Mai Hoa Joo and Jasmin Salehi, there is attached a memorandum of information concerning the beneficiary.

The bill would grant the beneficiary permanent residence in the United States as of the date of its enactment, upon payment of the required visa fees. It would also direct the proper visa number deduction.

Absent enactment of the bill, the beneficiary, a native and citizen of Korea, appears to be ineligible for permanent residence in the United States.

Sincerely,

FOR THE COMMISSIONER,

ALLEN ERENBAUM,
*Acting Director,
Congressional Relations.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION FILES RE S. 508

The beneficiary, Mai Hoa SALEHI, birth name Mai Hoa JOO, also known as Jasmin SALEHI, a native of Korea and citizen of Korea, was born February 20, 1964. She resided alone in Sherman Oaks, California. She obtained a four-year college education in Geology from Sang Myung University in Seoul, Korea. She has 15% ownership of "Denny's" restaurant in Reseda, California, and claims assets of 90,000 U.S. dollars in savings accounts. The beneficiary has one sister living in the United States as a Lawfully Admitted Permanent Resident Alien and a sister and brother living in South Korea.

The beneficiary resided in South Korea from her birth until 1995. She first visited the United States in December, 1990, being admitted as a nonimmigrant visitor for a period not to exceed six months. The beneficiary was later admitted as a nonimmigrant visitor in July, 1991; October, 1994; and January 13, 1995 at Los Angeles, California. In March, 1995, the beneficiary married Cyrus SALEHI, a United States citizen, and began residing with him in Van Nuys, California. On June 27, 1995, the beneficiary and her husband filed a form I-130 (Petition for Immigrant Relative) and I-485 (Application to Register Permanent Residence or Adjust Status) with the Immigration and Naturalization Service (Service) based on their marriage. On February 3, 1996, Cyrus SALEHI, the beneficiary's husband, was murdered during an armed robbery. On August 16, 1996, the beneficiary appeared before the Service for an interview in connection with her pending I-130 and I-485. The Service informed her that she is no longer eligible for adjustment of status because, due to the petitioner's death, there is no longer

a valid relative sponsor. In October, 1996, the beneficiary appealed this decision to the Board of Immigration Appeals.

The beneficiary has since been granted advance parole status for humanitarian reasons, authorized to remain in the United States until October 1, 1997, to attend and be a potential witness in the trial of the two suspects charged with the death of her husband. In July, 1997, the two suspects were convicted of secondary manslaughter and were sentenced to life in prison without the possibility of parole. The beneficiary continues to remain in the United States under advance parole status while the outcome of private bill S. 508 is pending.

